THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.19076 OF 1996

Date: 15th day of November,2006.

Between:

R.R. Kumaran and others

Petitioners

And

The Collector, Chittoor District, Chittoor and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.19076 OF 1996

ORDER:

1. This writ petition has been filed seeking a declaration that the action of the respondents in seeking to dispossess the petitioners from the lands in various survey numbers situate at T.P.Palem Village, Nagalapuram Mandal, Chittoor District as illegal.

2. But as it transpired now, the learned Government Pleader has pointed out that for a purpose public, the land of an extent of Ac.5.68 cents only was proposed for acquisition by issuing notification under Section 4 (1) of the Land Acquisition Act on 21-09-1996 and ultimately a consent award has been passed on 16-01-1999 also. In view of these subsequent developments, the remedy available to the writ petitioners is to call in question the validity of the land acquisition proceedings, instead of seeking a declaration that the interference with their lands by the respondents as illegal. Since the learned Government Pleader has asserted that the land of an extent of Ac.5.68 cents alone has been acquired, the respondents obviously cannot interfere with the peaceful possession and enjoyment of the writ petitioners in so far as the rest of the land is concerned.

3. With the above direction, the writ petition is disposed of. No order as to costs.

15-11-2006

Stp